



# COMMONWEALTH of VIRGINIA

## CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT

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February 14, 1996

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Mr. Trenton L. Funkhouser, AICP  
Director of Planning & Zoning  
Department of Planning and Zoning  
Post Office Box 839  
Mathews, Virginia 23109

Dear Mr. Funkhouser:

The following interpretation has been written in response to your letter to Keith V@Wte of our department, dated February 2, 1996. In that letter you asked for clarification regarding the 100% reserve drainfield provision found in § 4.2.7.b of the Chesapeake Bay Preservation Act Regulations (VR 173-02-01), as it would apply via local ordinances to drainfields which are located partially outside Chesapeake Bay Preservation Areas (CBPAs).

Using the regulations for guidance, the department concludes that the 100% reserve drainfield provision should apply to any new septic system located **in** a CBPA. There are no provisions currently in the regulations that allow for partial credit for being partially outside the CBPA.

Such circumstances should be addressed through the exceptions process on a case by case basis where encroachment in the CBPA is very minimal.

We hope that our comments are useful. If you need additional assistance please call me at 1-800-CBESBAY.

Sincerely,

Darryl M. Glover  
Senior Environmental Engineer

c: Jodie Day, CBLAD  
C. Scott Crafton, CBLAD  
Margaret Reynolds, CBLAD